

Communities and Local Government Community Right to Build

Comments of the Landscape Institute

August 2010

The Landscape Institute (LI) is an educational charity and chartered body responsible for promoting the protection, conservation and enhancement of the natural and built environment for the benefit of the public. It champions well-designed and well-managed urban and rural landscape. The LI's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit.

We have members who have experience of rural settlement planning, landscape character assessment, green infrastructure planning and the landscape design associated with small groups of houses in rural and urban fringe areas as well of course in larger settlements such as market towns and cities. Many of our members are also well versed and experienced in community planning and engagement for development proposals (both large and small) and some members have experience of community planning in the form of parish plans, town plans and village design statements. We have drawn on this expertise to give you our views.

The LI believes firmly that one aspect of sustainability where social, economic and environmental strands cross is the quality of place and that this is fundamentally important to the success of any proposed development.

For this reason, and those relating to the absolute importance of climate change mitigation and adaptation, the Institute recommends that the set criteria for sustainability against which Local Planning Authorities (LPAs) will check development proposals submitted via the Community Right to Build should include issues relating to:

- landscape character, landscape sensitivity and receptiveness to development;
- local distinctiveness and response of the development proposals to this and to place making generally;
- wider connections and likely desire lines (cycle, footpaths, vehicular routes, wildlife corridors);
- water, flood risk and flood management, SUDs.

These need to be embedded in the minimum criteria set by local authorities.

In terms of testing these issues, some of which can be seen as quite subjective by those not trained in, for example, design, we feel there is a role for some or a combination of the criteria set out in Building For Life (BfL) and the role that design review panels and local enabling from design panels and the Architecture and Built Environment Centres (ABECs) can play. We are not suggesting that all schemes should submit BfL scores, or that the LPA should score them, nor that all schemes should go to a full blown design review panel. However, we do feel the BfL approach forces consideration of the relationship of a housing development to its environs and its eventual impact on the environment and these are issues of importance to the LI and should be of importance to the community.

Also we are aware that design review panels (more local than national) have expertise in rural developments and are used to commenting on smaller scale schemes. Some also already have experience in working with communities, assisting with design issues through their enabling programmes. They may also be able to assist in providing training for communities, such as how to select the right design team, what to look for, how to procure etc. All this will be important to the quality of the eventual built environment and also importantly to the quality of the process and the experience for the community.

We consider that the "collaborative resource" that CLG is proposing which would allow communities to learn and take advice from others should include the spatial and design issues to which we refer above. It may not be necessary to set up a separate agency to deliver this as a combination of design panels, ABECs and community support charities maybe able to provide what is required.

The LI considers there should be a community aspiration for Community Right to Build developments to be award-winning, for example, BfL awards.

We have some views on how the overdevelopment framework might work. This would need to be embedded in LPA policy. Established methodologies of tight settlement boundaries for villages, such as those found in many local plans are less likely to work, as the number of available sites will be restricted. However the LI would certainly not wish to see the right to build over the whole open countryside. The sustainability test will need to include reference to some mechanism for assessing suitability, including avoiding overdevelopment. One way of approaching this might be to set out a hierarchy of receptiveness, that considers the physical aspects of suitability (e.g. topography, landscape context, biodiversity), as well as considering the socio-economic aspects (public transport/reliance on car, proximity to employment, schools, shops, banks, access to health, tourism, tourist features, settlement dependencies etc). The LI wishes to emphasise the importance of considering these physical and aesthetic matters as much as the more easily assessed presence or absence of, for example, a school.

In considering the provision of infrastructure, this should clearly state that green infrastructure is included. This would fit with the Government's stated aims of protecting wildlife and promoting green spaces and wildlife corridors in order to halt the loss of habitats and restore biodiversity.¹

Those of our members assisting with this response who have experience in community planning (parish plans) are concerned about the confusion that may arise for community members in connection with previously developed non-statutory community plans such as parish plans and village design statements, which may state one thing; and the Community Right to Build, which may be proposing development of a different type, in a different place.

We feel it will be important to define what a community is and how it will relate to who is invited to vote in any referendum. This will be very important in terms of fairness and transparency. For example will the referendum encompass the entire parish in which the proposed new housing development is situated, or part of the parish, for example, the householders in the village? Outlying rural households may house important community members and it will be important to gauge their views as well. In particular we feel this is the case if a parish plan exists as that will be the community aspiration, into which all the parish will have had the opportunity to give views.

We are also concerned about the sustainability of community leadership. In our experience (of volunteers for the LI) and our members' experience of community leadership for projects such as parish plans, parks' friends groups etc, there is often a reliance on one or two individuals, with little or no scope for succession planning should something happen to them. We recognise the Community Right to Build proposes a corporate entity. But if the initial enthusiasm is vested in a limited number of individuals, its sustainability could be precarious. We also know that parish councils can feel threatened by what they perceive to be groups that are not democratically elected, taking the lead in local matters, leading to tensions. This may well be the case for Community Right to Build groups and this will need to be taken in to consideration. In our members' experience there are often different factions even in small village communities; landowners, those who want development for the betterment of the settlement, those who do not want development at any cost. It may be difficult to reconcile such differences. We appreciate the referendum is the mechanism for deciding. However it would be resource intensive for local authorities to have to organise many of these referenda. The wording of the questions on the referenda will also be important in terms of achieving fairness and transparency; and this may be a skill not held in house by LPAs.

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¹ <http://programmeforgovernment.hmg.gov.uk/environment-food-and-rural-affairs/index.html>